



October 16, 2007

Presentation to City of Winnipeg Standing Committee on Property and Development Re: By-law 200

The WinnipegREALTORS® Association (formerly the Winnipeg Real Estate Board) is pleased to present its views and opinions on the proposed By-law 200/2006 zoning by-law being considered today at this public hearing. This draft by-law applies to the entire City of Winnipeg with the exception of the downtown.

We are a professional industry association representing over 1400 members, comprising primarily REALTORS®, but also including appraisers, business partners, financial and affiliate members and suppliers. Our members are active in Winnipeg and the surrounding capital region's real estate market. In 2006, our Multiple Listing Service® or MLS® produced record sales and dollar volume transactions of over 12,000 and \$1.8 billion respectively.

When you consider other exclusive sales our residential members were directly involved in and our commercial division members' sales and leasing activity on their own commercial property information exchange or cpix, you begin to appreciate the magnitude of what economic activity is generated from our members' business activity. In fact, a study done by Altus Clayton for 2004 to 2006 MLS® sales in Canada shows the 2006 MLS® sales in our region alone equates to over \$300 million in economic activity and direct and indirect job creation as well.

It should also be pointed out that our REALTORS® are committed to helping build better communities in Winnipeg and Manitoba through the adoption of a quality of life philosophy which encompasses ensuring economic vitality, providing housing opportunities, preserving our environment and protecting property owners.

On a final point with respect to our REALTOR® members, they must abide by a strict code of ethics and standards of business practices. Consumers rely on their professional expertise, skills, knowledge, competence and integrity. To this end, under Article 1, it states a REALTOR® shall be aware of current legislation, wherever reasonably possible, and of pending legislation including zoning which could affect trading conditions in the marketplace. Part and parcel of this is a requirement to attend education programs and courses which will assist them in remaining up-to-date and aware of matters that could affect any aspect of a real estate transaction.

The bottom line here is we take this new zoning by-law very seriously and have been glad to be involved at the outset to initiate the review process which led to the development of By-law 200. It also led to the set up of the Zoning Advisory Committee (ZAC) of which our association had two key representatives - Michael Falk, a former WinnipegREALTORS® commercial division chair and Dana Downey, a former civic and legislative affairs committee chair. Like other ZAC representatives, they served on this committee with the best of intentions to help shape a new by-law that will be a central legislative piece figuring most prominently in guiding Winnipeg's future development for years to come.

Speaking of ZAC, here is what the consultant Clarion had to say about its importance in the drafting of the new zoning by-law.

“The primary audience for review of the proposed approach and by-law amendments is the Zoning Advisory Committee. While additional public and stakeholder discussions will be held at key points in this effort, those efforts are secondary to the larger need to ensure full understanding and support from the Zoning Advisory Committee.”

And this is why the first two points in the attached charts that outline our general support by a **green** light, caution with **yellow**, or stop and question what is being done in **red**, covers the need to hire a cadre of expert planners and lawyers who specialize in drafting zoning by-laws, and a superb local support team; but just as critical, the creation of a zoning advisory committee that can bring invaluable local expertise and on the ground advice or good practical input on what is realistic and possible here. As major players on land use, they can also provide solid recommendations that will from their perspective make Winnipeg a better place to live, do business and invest in.

This in no way takes away from the central role the City of Winnipeg draft zoning by-law team had and will continue to have as we move through the public hearing process up until the new by-law's official enactment date.

For considering the list of statements that has been compiled under the **green** light category and the far less number made under **yellow** or **red**, it is quite evident that WinnipegREALTORS® views this new draft zoning by-law in high regard and believes it should accomplish much what it sets out to do at the outset.

Referring to the long list of **green** items, aside from some of the notable improvements in the actual formatting and organization of the by-law itself, and the clearer language employed, three points in particular worth highlighting are secondary suites, the creation of a new infill section and recognition in the by-law of the need for well located and serviced industrial land.

There is a real affordable housing shortage in the country and in Winnipeg the lack of rental accommodations is especially acute, so any reasonable steps we can take with proper controls to allow secondary suites is worth pursuing. Now mind you, the allowance of secondary suites at this time is only for granny suites or non-rentable units

but it is a start and may be relaxed in time to include 'for rent' suites once the City of Winnipeg and homeowners in general are comfortable with them. Our local REALTOR® association is in lockstep with the Canadian Real Estate Association in recommending the federal government and its housing agency CMHC do more to make secondary suites a housing option in this country.

The draft by-law's inclusion of urban infill areas is commendable as it identifies older neighbourhoods where parcels are too small or shallow to meet the required on-site parking and landscaping requirements. As a result, some changes in these standards have been done to help encourage more infill development.

As a long time proponent of the need to rejuvenate our inner city with the creation of the Housing Opportunity Partnership (HOP) ten years ago, a not-for profit housing rehabilitation initiative dedicated to rejuvenating Winnipeg's West End through home ownership, WinnipegREALTORS® is keen to understand more about how this new section will help housing groups like HOP.

A final one worth mentioning here is the recognition in the by-law of the importance of well located and serviced industrial lands. WinnipegREALTORS® has its 2006 commercial division chair Martin McGarry serving currently on the City's employment lands strategy. As an industrial use specialist, he is well aware of the serious need with which this issue has to be addressed - now and into the future. This is a good example of the major impetus to update this zoning by-law as it is becoming out of touch with new trends emerging today. Mixed use districts and allowance for cluster commercial development is another valid rationale to make changes to the way we will shape our existing and future development.

A major thrust of the points made under the **yellow** light category has to do with how the City of Winnipeg will implement and manage a number of the key changes. They include providing the Director of Planning with more discretionary powers, mapping changes and process, and the introduction of new tools such as the planned development overlay districts and the alternative equivalent compliance to allow for more creative design.

As the saying goes, business goes where they know. If you create more uncertainty through introduction of alternative options and where discretion is more at play, it raises questions like, will there be more red tape, could the development process be dragged out longer through negotiations, what alternative design standards would meet with the Director's approval, etc.? Will a number of developments fall prey to the lowest common denominator?

In terms of new planned development overlays that can enforce more restrictive land use activities for a particular area of the city, is that in the best interest of business as a whole or is it serving more the existing ones already established in this designated area?

This is not to say these challenges cannot be overcome but it will put a premium on hiring a new director of planning who will have to be extremely adroit and conversant on

all the nuances and subtleties inherent in this new by-law. He or she will also need to possess a high level of integrity and leadership abilities. In some cases or specific applications, they will require the steely resolve of an NHL referee in the seventh game of a Stanley Cup final or should we say an AHL referee in the Calder Cup final.

Finally, this new director should be an individual committed to listening and consulting with key stakeholders on an ongoing go forward basis as there is going to be a steep learning curve for many including the administration. Education and communications has to be a major thrust in the successful implementation of By-law 200.

WinnipegREALTORS® has already run an article prepared by the City of Winnipeg on the new by-law in its weekly Winnipeg Real Estate News and is certainly prepared to do more to help educate the public and its members.

Last but certainly not least, the **red** light points pertain more to concerns about the process as much as they do from the actual document itself.

Without belabouring what happened previously, WinnipegREALTORS® is disappointed in the velocity with which the administration moved in seeking the by-law's adoption in July 2006 without addressing some critical mapping issues. There was no realistic time allowed either after City Council approval for an orientation period before the effective implementation date. As we stated then and would again now, let's do it right the first time so we can have a by-law that as Clarion recommends will have the full understanding and support of ZAC.

With respect to transparency, we believe the latest round of the administration's recommended changes well after ZAC was no longer formally involved do not in some specific instances speak well to being clear on future direction. One is the proposed amendment of reducing the 40,000 maximum square foot size limit for retail in M1 to only 5,000 square feet. As our commercial representative on ZAC states in his own accounting of this recent recommended change, the 40,000 maximum square foot limit was discussed and accepted by ZAC and the Technical Working Group from the very first draft of this by-law.

Another example is the call for the Winnipeg Public Service to draft guidelines for development and site standards for electronic message board signs. A representative from WinnipegREALTORS®, who attended a December 2006 meeting, where signage was clearly a focus of the discussion, does not recall any indication or direction that electronic message boards should be a conditional use. Moreover, to read now the Winnipeg Public Service is suggesting City Council might want to limit third party advertising. Are they suggesting then that WinnipegREALTORS® can no longer do a contra arrangement with the Winnipeg Goldeyes on our respective electronic message boards? Is that not restricting content as they state they would not recommend doing? Talk about mixed signals.

On a final point here, rigidity speaks to process with the best example being how steadfast the administration has been with regard to the typology they have chosen to apply in consolidating the current zoning districts from 44 to 26. There is no acknowledgement that when you reduce these number of zoning districts and include different standards and restrictions from the previous ones there may be instances where the newly created district does not align well with the existing land use.

Is it not the whole purpose of this complete land use zoning overhaul exercise to create new districts that better represent and align with the existing property uses in the city? In demonstrated cases where they are not aligned well the City should be willing on its own volition to make the change or changes necessary, and not force property owner/s to go through significant red tape and an entire rezoning process when the new by-law comes into effect.

We suggest the City take a page from its own Property Assessment Department and encourage property owners/tenants to provide feedback by consulting them to determine whether they think the new zoning designated for their property is relevant and acceptable. If not, a discussion to consider changes where a legitimate concern and case can be made, similar to what is done for property reassessments, would be fair and reasonable.

In conclusion, WinnipegREALTORS® in general supports the adoption of By-law 200. However, it still holds certain reservations as pointed out in this presentation. Most if not all of our concerns can be addressed. But it will require a more open process where customer service and better two way communications are fully embraced. Moreover, the excellent work and effort contributed by ZAC should not be discounted in any way going forward. There is no reason ZAC should not be brought back again for further input, especially in the first year of By-law 200's operation. And finally, we should also be clear zoning is never a substitute for good planning.



- Hiring of expert zoning by-law consultant to draft by-law
- Comprehensive review with stakeholder input
- Better clarity, usability and organization
- Creation of new and more innovative districts (i.e. mixed use) and planning tools
- Applying best practices where applicable
- Modernizing by-law by putting in writing what is already being done in practice
- Being more consistent with existing city policies and relating better to them in by-law
- Reducing all the needless variances and time necessary to do them
- Achieving more flexibility with regulations
- Simplified organization with helpful tables, graphics and illustrations
- More complete and better development of definitions
- Creation of new infill section to recognize unique circumstances
- More streamlined process with better identity of what is permitted
- Set up of new development and design standards to raise the bar for higher quality and more flexible development
- Allows for more cluster than just strip commercial development
- Recognition of need for well located and serviced industrial land
- Incorporating important quality of life attributes such as walkability, bicycle racks and landscaping
- Clearer standards for rezoning and variances
- Incorporation of use-specific standards to eliminate many former conditional uses
- Reflecting impact of uses rather than the goods produced
- Increased flexibility for parking (i.e. parking management plan)
- Safer and more attractive parking lot requirements
- More enforcement and focus on improving signage to enhance city's appearance
- Limitations on allowed fencing and exterior finish materials

- Allowance of secondary suites with proper controls
- New zoning by-law more in lockstep with other North American cities
- Requiring new construction align with existing lot patterns (i.e. special boundary conditions and front yard building alignments)
- Allowing the use of alternative development patterns (i.e. bare land condominiums)
- Introduction and application of use tables to clearly outline what is allowable within all base zoning districts
- Reducing the number of uses from 460 to 141
- Support all heavy manufacturing uses remain a permitted use under M3 (manufacturing heavy)
- Support review of determining most appropriate zoning for parks properties
- Support consultation process with development industry to address public works concerns on the impacts of proposed zoning changes on lot drainage, private approaches and snow storage



- Matching or aligning proper zoning districts and respective rules with the existing use
- Commitment to education and communications process for new by-law
- Is new zoning consistent and supportive of red tape report?
- Discretionary powers conferred to Director of Planning
- Proper resources and training to effectively implement and apply new zoning
- Alternative equivalent compliance and planned development overlays
- Transition process and future direction of stakeholder input
- Mapping
- Openness and willingness to make accommodations where necessary

- Consolidation of zoning districts (44 to 26) through an objective based typology



- Speed of process (initially public hearing scheduled for July 2006 with effective date of implementation being September 1, 2006)
- Transparency (i.e. zoning advisory committee not fully in the loop)
- Two-way communication and sense drafting of by-law is a collaborative effort
- Too rigid in approach to changes
- 12 month review window purely administrative (should consult with users of by-law)
- Too much emphasis on Plan Winnipeg since it is due for major review and update
- Need more appreciation for local commercial market and our unique circumstances

